

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JUAN CARLOS CRUZ,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 2:05-CV-877-F
)	
SCOTT MIDDLEBROOKS,)	
)	
Respondent.)	

O R D E R

The Magistrate Judge has reviewed the § 2241 petition for writ of habeas corpus and determined that the instant petition cannot be properly and effectively processed by the court without a response from the respondents. *See Rule 4, Rules Governing Habeas Corpus Cases Under Section 2254.*¹ The clerk is DIRECTED to mail a copy of the petition and this order to the United States Attorney for the Middle District of Alabama and to cause a copy of the same to be served upon warden Scott Middlebrooks. It is hereby

ORDERED that the respondents shall file a response to the petition within 20 days of service on the United States Attorney.

The respondents are directed to file their answer in accordance with the provisions of Rule 5, *Rules Governing Habeas Corpus Cases Under Section 2254*. Specifically, the

¹These rules are equally applicable to habeas petitions filed under 28 U.S.C. § 2241. Rule 1(b), *Rules Governing Habeas Corpus Cases Under Section 2254* (Federal courts may apply rules to habeas petitions other than those filed under 28 U.S.C. § 2254.).

respondents must show cause why the writ should not be granted and, when applicable, shall certify the true cause of petitioner's detention.

The parties are advised that no motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the petition may be filed by any party without leave of court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is submitted for filing without the requisite permission of the court, the Clerk is DIRECTED to neither file nor otherwise treat the pleading as a dispositive motion until and unless further order of the court.

The Federal Rules of Civil Procedure require that the petitioner mail to the lawyer for the respondents a true copy of anything which is sent to the court. Consequently, the petitioner is advised that he should mail to the United States Attorney for the Middle District of Alabama a true copy of anything which he sends to the court. Failure to do so may result in delaying resolution of this case. Anything sent to the court should specifically state that it has been sent to the United States Attorney for this district.

The petitioner is specifically **CAUTIONED** that his failure to file pleadings in conformity with the Federal Rules of Civil Procedure and/or the directives contained in this order will result in such pleadings not being accepted for filing. The clerk is hereby DIRECTED to not accept for filing any pleadings submitted by the petitioner which are

not in compliance with either the Federal Rules of Civil Procedure or the directives contained in this order.

Done this 26th day of September 2005.

/s/ Delores R. Boyd
UNITED STATES MAGISTRATE JUDGE